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# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

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Government Press

#### Notice

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#### GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Industries and Labour Department

LC/2/65/A

In exercise of the power conferred by Section 32 of the Workmen's Compensation Act (VIII of 1923) the Government of Goa, Daman and Diu is pleased to make the following rules, the same having been pre-published as required by the provisions of Section 34 of the said Act:—

#### PART I

##### Preliminary

1. **Short title.**— These rules may be called the Goa, Daman and Diu Workmen's Compensation Rules, 1965.

2. **Definitions.**— In these Rules unless there is anything repugnant in the subject or context:—

- The 'Act' means the Workmen's Compensation Act, 1923.
- 'Form' means a form appended to these Rules.
- 'Section' means a section of this Act.

#### PART II

Scales of costs and the fees payable in respect of proceedings before a Commissioner

3. **Costs.**— (1) Where the Commissioner directs that any cost shall not follow the event, he shall state his reasons in writing.

(2) The cost which may be awarded shall include—

- the charges necessarily incurred on account of court fees;
- the charges necessarily incurred on subsistence money to witnesses; and
- pleaders' fees on the scale prescribed in the following rule.

(3) In any proceeding involving an application for compensation in the form of a lump sum, an application for review or an application for indemnification, the fee allowed shall be of a sum not less than Rs. 15 and not more than Rs. 150 for such proceedings.

(4) When a party engages more pleaders than one to conduct or defend the case, he shall be allowed one set of costs only.

(5) When several defendants having substantially one defence to make employ several pleaders, they shall be allowed one set of costs only. In such cases,

it will be for the applicant, at the time of hearing, to ask for a direction of the Court that separate cost be not allowed.

(6) When two or more defendants having separate substantial defences have engaged the services of one pleader, they shall be allowed separate sets of costs. In this case, it will be for the defendants interested to apply at the hearing for separate costs.

(7) When several defendants having separate defences are represented by separate pleaders, they shall be entitled to separate costs.

(8) The Commissioner shall, out of the amount deposited as compensation and costs, arrange to disburse the amount of compensation and costs in accordance with the order made in that behalf.

4. Fees.—The amount of fees for the different types of proceedings shall be as set out below:

Sr. No.	Description of proceedings	Amount of fees
I. Application for compensation—		
(a)	Where compensation is claimed in the form of recurring payment.	Fifty paise.
(b)	Where compensation is claimed in the form of a lump sum.	One rupee where the sum does not exceed Rs. 500/- plus one rupee for each additional sum of Rs. 500/- or fraction thereof.
II. Applications for commutation—		
(a)	By agreement between the parties.	Fifty paise.
(b)	In all other case	Two rupees.
III. Application for the deposit of compensation—		
(a)	Under section 8(1) of the Act	Nil.
(b)	Under section 8(2) of the Act (in respect of each person to whom compensation is payable).	Fifty paise.
IV. Applications for distribution by dependants, for each dependant.		
V. Applications for review—		
(a)	Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments.	Fifty paise.
(b)	Where the half-monthly payments are sought to be converted into a lump sum.	Two rupees.
(c)	In all other cases	One rupee.
VI. Applications for the registration of agreements—		
(a)	Where the application or the memorandum of agreement is signed by both parties.	Nil.
(b)	In all other cases	Fifty paise.
VII. Applications to summon witnesses—		
(a)	For the first witness mentioned in the application.	Fifty paise.
(b)	For every subsequent witness	Twenty five paise.
VIII. Applications for indemnification		
IX. Applications for the recovery of compensation—		
(a)	Under an order already passed by the Commissioner	Fifty paise.

(b) In all other cases ... The same fees as payable on a similar application for compensation.

X. All applications not otherwise provided for ... Fifty paise.

N. B.—In the case of an application falling under the head X the Commissioner may, if he thinks fit, permit the application to be made without fee.

5. Applicant may be required to deposit excess fees.—If in any case the Commissioner considers that he ought to pass orders granting relief of a different kind or to a different extent from that claimed by the applicant, and if the fee which would have been payable by the applicant on an application for the relief which the Commissioner considers to be due is greater than the fee which has actually been paid, the Commissioner may require the applicant to deposit fees to the extent of the difference.

### PART III

Maintenance of Registers, Language of the Court Records, Certified Copies and Allowances to Witnesses

6. Register of applications.—All applications presented to the Commissioner shall be registered in a register in Form A.

7. Register of fatal accidents.—Every Commissioner shall maintain a separate register in Form B of fatal accidents which come to his knowledge either on account of deposits made by or on behalf of employers, or because of applications made by dependants of a deceased workman for an order for deposit and payment of compensation.

8. Register of non-fatal accidents.—Every Commissioner shall maintain a separate register in Form C of non-fatal accidents which come to his knowledge in any of the following ways:—

- (1) On account of applications for registration of memoranda of agreements.
- (2) On account of applications for commutation of half-monthly payments.
- (3) On account of amount of compensation deposited with the Commissioner under section 8(2).
- (4) On account of applications for settlement of claim made by the injured workman.

9. Language of the record.—The record of the Commissioner shall be kept in the English language.

### PART IV

10. Fees to assessors.—Where in pursuance of the provisions of sub-section (2) of section 20 any person possessing special knowledge of any matter relevant to the case under inquiry is chosen by the Commissioner to assist him in holding the same, he shall be entitled to such fee as the Commissioner may fix, subject to a maximum of rupees fifty and a minimum of rupees twenty:

Provided that he shall be entitled to an additional fee of rupees ten—

- a) for each extra case if he is required to sit in more than one case on the same day; and
- b) for each of the second and third days of any case.

## PART V

**Notice under Section 10A and the statement by the employee in reply thereto**

11. The notice sent by a Commissioner under sub-section (1) of section 10-A shall be in Form D and shall be accompanied by a copy of Form E.

12. The statement submitted by an employer under section 10-A shall be in Form E.

## PART VI

13. **Display of notices containing abstracts of the Act, by employers.**—Notices containing abstracts from the Act together with the designation and full address of the Commissioner shall be displayed by every employer at a conspicuous place near the Time Keeper's office or the main gate through which majority of the workmen employed by them enter, in English and in a language understood by the majority of workmen and shall be maintained in a clear and legible condition. The abstracts of the Act shall be in Form 'F'.

## Goa, Daman and Diu Workmen's Compensation Rules, 1965

FORM A

(See Rule 6)

Register of Applications for the year 19 ...

Date of presentation of the application	Serial No.	Nature of the application							
		For Distribution	For deposit	For compensation	For half-monthly payments	For commutation	For review	For recovery	Application for registration of agreement
		A	B	C	D	E	F	G	H

Miscellaneous	Name and address of the applicant	Name and address of the opposite party	Claim	Order			Appeal	Remarks
				Date	For whom	For what amount		
I								

**FORM B**

(See Rule 7)

Register of fatal accidents for the year 19 . . .

[illegible]

FORM C

(See Rule 8)

Register of non-fatal accidents for the year 19...

[illegible]

## Goa, Daman and Diu Workmen's Compensation Rules, 1965

## FORM D

(See rule 11)

Whereas I have received information that (1) , a workman employed by you in (2) has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with section 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice the enclosed Form with the particulars required in paragraphs 1, 2 and 3 and the particulars required in either paragraph 4 or 5 duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under section 10-A(2) of the said Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation.

Dated 19 .

(1) Insert name of workman.

(2) Insert name of establishment.

## Goa, Daman and Diu Workmen's Compensation Rules, 1965

## FORM E

(See rule 12)

1. In reply to your notice dated the 19 which was received by me on the , it is submitted that (1) residing at , a workman over 15 years of age employed

under in (2) met with an accident on the 19 as a result of which he died on the 19 . The monthly wages of the deceased amounted Rs. to Rs.

2. The circumstances in which the deceased met his death were as follows.

3. The deceased left the following dependants (3).

\*4. I admit liability to pay as compensation, on account of the deceased's death, the amount of Rs. which was

will be deposited with you on the 19 . before

\*5. I disclaim liability to pay compensation on account of the deceased's death on the following grounds: —

Employer.

(1) Insert name of workman.

(2) Insert name of establishment.

(3) Insert names and addresses where known.

\* One of these paragraphs to be struck out.

## Goa, Daman and Diu Workmen's Compensation Rules, 1965

## FORM F

(See rule 13)

Abstracts of the Workmen's Compensation Act, 1923

## 1. Definitions — Section 2(1), Section 2(1) (d) —

(a) 'Dependant' means any of the following relatives of a deceased workman, namely: —

(i) a widow, a minor legitimate son and unmarried legitimate daughter, or widowed mother; and

(ii) if wholly dependant on the earnings of the workman at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm;

(iii) if wholly or in part dependant on the earnings of the workman at the time of his death, —

(a) a widower,

(b) a parent other than a widowed mother,

(c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate if married and a minor or if widowed and a minor,

(d) a minor brother or an unmarried sister or a widowed sister if a minor,

(e) a widowed daughter-in-law,

(f) a minor child of a pre-deceased son.

(g) a minor child of a pre-deceased daughter where no parent of the child is alive, or

(h) a paternal grand parent if no parent of the workman is alive;

(b) Section 2(1) (g) — 'Partial disablement' means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: provided that every injury specified in Schedule I, shall be deemed to result in permanent partial disablement;

(c) Section 2(1)(1) — 'Total disablement' means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent.

(d) Section 2(1) (n) — 'Workman' means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purpose of the employer's trade or business) who is —

(i) a railway servant as defined in section 3 of the Indian Railways Act, 1890, not permanently employed — in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or

(ii) employed on monthly wages not exceeding four hundred rupees, in any such capacity as is specified in Schedule II whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to a workman who has been injured shall, where the workman is dead, includes a reference to his dependants or any of them.

## SCHEDULE II

List of persons who, subject to the provisions of section 2(1) (n) are included in the definition of workmen

The following persons are workmen within the meaning of section 2 (1) (n) and subject to the provisions of that section, that is to say, any person who is —

(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity or in connection with the loading or unloading, of any such vehicle; or

(ii) employed, otherwise than in a clerical capacity, in any premises wherein or within the precincts whereof a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948, is being carried on, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made (whether or not employment in any such work is within such premises or precincts), and steam, water or other mechanical power or electrical power is used; or

(iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof twenty or more persons are so employed,

(Explanation. — For the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article shall be deemed to be employed within such premises or precincts; or)

(iv) employed in the manufacture or handling of explosives in connection with the employer's trade or business; or

(v) employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952, in any mining operation or in any kind of work, other than clerical work, incidental to, or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground; or

(vi) employed as the master or as a seaman of —

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled; or

(b) any ship not included in sub-clause (a), of twenty-five tons net tonnage or over; or

(c) any sea-going ship not included in sub-clause (a) or sub-clause (b) provided with sufficient area for navigation under sails alone; or

(vii) employed for the purpose of —

(a) loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or handling or transport within the limits, of any port subject to the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel, or

(b) warping a ship through the lock; or

(c) mooring and unmooring ships at harbour wall berths or in pier; or

(d) removing or replacing dry dock caissons when vessels are entering or leaving dry docks; or

(e) the docking or undocking of any vessel during an emergency; or

(f) preparing splicing coir springs and check wires, painting depth marks on lock-sides, removing or replacing fenders whenever necessary, landing of gangways, maintaining life-buoys to standard or any other maintenance work of a like nature; or

(g) any work on jolly-boats for bringing a ship's line to the wharf; or —

(viii) employed in the construction, maintenance, repair or demolition of —

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twelve feet or more from the ground level to the apex of the roof; or

(b) any dam or embankment which is twelve feet or more in height from its lowest to its highest point; or

(c) any road, bridge, tunnel or canal; or

(d) any wharf, quay, sea-wall or other marine work including and moorings of ships; or

(ix) employed in setting up, maintaining, repairing or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard or fitting and fixtures for the same; or

(x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer; or

(xi) employed in the service of any fire brigade; or

(xii) employed upon a railway as defined in clause 4 of section 3, and sub-section (1) of section 148 of the Indian Railways Act, 1890 either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or

(xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, (or as a telegraphist or as a postal or railway signaller) or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or

(xiv) employed, otherwise than in a clerical capacity, in connection with operations for wining natural petroleum or natural gas; or

(xv) employed in any occupation involving blasting operations; or

(xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than

(twenty-five) persons have been employed or explosives have been used, or whose depth from its highest to its lowest points exceeds (twelve) feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing (cardamom) chinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or

(xix) employed, otherwise than in a clerical capacity in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or

(xx) employed in a lighthouse as defined in 17 of 1927. clause (d) of section (2) of the Indian Lighthouse Act, 1927; or

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping or working of elephants of wild animals; or

(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fire; or

(xxiv) employed in operation for the catching or hunting of elephants or other wild animals; or

(xxv) employed as a driver; or

(xxvi) employed in the handling or transport of goods in, or within the precincts of —

(a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed; or

(b) any market in which on any one day of the preceding twelve months (fifty) or more persons have been so employed; or

(xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substances; or

(xxviii) employed in or in connection with the construction, erection, dismantling, operation or maintenance of an aircraft as defined in section 2 of the Indian Aircraft Act, 1934; or

(xxix) employed in farming by tractors or other contrivances driven by steam or other mechanical power or by electricity; or

(xxx) employed, otherwise than in a clerical capacity, in the construction, working, repair or maintenance of a tube-well; or

(xxxi) employed in the maintenance, repair or renewal of electric fitting in any building; or

(xxxii) employed in a circus; or

(xxxiii) Persons employed for the purpose of loading or unloading any mechanically propelled vehicles, or in the handling of transport of goods which have been loaded into any mechanically propelled vehicle; or

(xxxiv) Persons employed in any occupation ordinarily involving out-door work by any Municipality; or

(xxxv) Persons employed in handling tractors or other mechanical contrivances on a farm.

**Explanation.**—In this Schedule, «the preceding twelve months» relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.

2. Section 3(1) — Employer's liability for compensation — If personal injury is caused to a workman by accident arising out of and in the course of his employment his employer shall be liable to pay compensation in accordance with the provisions of Chapter II of the Act, provided that the employer shall not be so liable —

(a) In respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;

(b) In respect of any injury, not resulting in death caused by an accident which is directly attributable to —

(i) the workman having been at the time thereof under the influence of drink or drugs, or

- (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
- (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

3. Section 4—Amount of compensation—Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

(a) where death results from the injury and the deceased workman has been in receipt of monthly wages falling within limits shown in the first column 7 Schedule IV, the amount shown against such limits in the second column thereof;

(b) where permanent total disablement results from the injury and the injured workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV, the amount shown against such limits in the third column thereof;

(c) where permanent partial disablement results from the injury—

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

(d) where temporary disablement, whether total or partial, results from the injury and the injured workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV, a half-monthly payment of the sum shown against such limits in the fourth column thereof, payable on the sixteenth day—

- (i) from the date of the disablement, where such disablement lasts for a period of twenty-eight days or more, or
- (ii) after the expiry of a waiting period of three days from the date of the disablement, where such disablement lasts for a period of less than twenty-eight days, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter: Provided that—

(a) there shall be deducted from any lump-sum or half monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump-sum or of the first half-monthly payment, as the case may be; and

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident;

(2) On the ceasing of the disablement before the date on any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

SCHEDULE I

Part I

List of injuries deemed to result in permanent total disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
1.	Loss of both hands or amputation at higher sites .....	100
2.	Loss of a hand and a foot .....	100

- 3. Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot ..... 100
- 4. Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential ..... 100
- 5. Very severe facial disfigurement ..... 100
- 6. Absolute deafness ..... 100

Part II

List of injuries deemed to result in permanent partial disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
Amputation cases-upper limbs (either arm)		
1.	Amputation through shoulder joint .....	90
2.	Amputation below shoulder with stump less than 8" from tip of acromion .....	80
3.	Amputation from 8" from tip of acromion to less than 4½" below tip of olecranon .....	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon .....	60
5.	Loss of thumb .....	30
6.	Loss of thumb and its metacarpal bone ...	40
7.	Loss of four fingers of one hand .....	50
8.	Loss of three fingers of one hand .....	30
9.	Loss of two fingers of one hand .....	20
10.	Loss of terminal phalanx of thumb .....	20
Amputation cases-lower limbs		
11.	Amputation of both feet resulting in end-bearing stumps .....	90
12.	Amputation through both feet proximal to the metatarso-phalangeal joint .....	80
13.	Loss of all toes of both feet through the metatarso-phalangeal joint .....	40
14.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint ...	30
15.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint .....	20
16.	Amputation at hip .....	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter .....	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh .....	70
19.	Amputation below middle thigh to 3½" below knee .....	60
20.	Amputation below knee with stump exceeding 3½" but not exceeding 5" .....	50
21.	Amputation below knee with stump exceeding 5" .....	40
22.	Amputation of one foot resulting in end-bearing .....	30
23.	Amputation through one foot proximal to the metatarso-phalangeal joint .....	30
24.	Loss of all toes of one foot through the metatarso-phalangeal joint .....	20
Other injuries		
25.	Loss of one eye, without complications, the other being normal .....	40
26.	Loss of vision of one eye, without complications or disfigurement of eye-ball the other being normal .....	30



A. Fingers of right or left hand  
Index-finger

Loss of —	
27. Whole .....	14
28. Two phalanges .....	11
29. One phalanx .....	9
30. Guillotine amputation of tip without loss of bone .....	5

Middle finger

31. Whole .....	12
32. Two phalanges .....	9
33. One phalanx .....	7
34. Guillotine amputation of tip without loss of bone .....	4

Ring or little finger

35. Whole .....	7
36. Two phalanges .....	6
37. One phalanx .....	5
38. Guillotine amputation of tip without loss of bone .....	2

B. Toes of right or left foot great toe

39. Through metatarso-phalangeal joint .....	14
40. Part, with some loss of bone .....	3

Any other toe

41. Through metatarso-phalangeal joint .....	3
42. Part, with some loss of bone .....	1

Two toes of one foot, excluding great toe

43. Through metatarso-phalangeal joint .....	5
44. Part, with some loss of bone .....	2

Three toes of one foot, excluding great toe

45. Through metatarso-phalangeal joint .....	6
46. Part, with some loss of bone .....	3

Four toes of one foot, excluding great toe

47. Through metatarso-phalangeal joint .....	9
48. Part, with some loss of bone .....	3

Note — Complete and permanent loss of the use of any limb or member referred to in this schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE IV

Compensation payable in certain cases

Monthly wages of the workman injured	Amount of compensation for —		Half-monthly payment as compensation of temporary disablement
	Death	Permanent total disablement	
1	2	3	4
0	10	1,000	1,400
10	13	1,100	1,540
13	18	1,200	1,680
18	21	1,260	1,764
21	24	1,440	2,016
24	27	1,620	2,268
27	30	1,800	2,520
30	35	2,100	2,940
35	40	2,400	3,360
40	45	2,700	3,780
45	50	3,000	4,200
50	60	3,600	5,040
60	70	4,200	5,880
70	80	4,800	6,720
80	100	6,000	8,400
100	150	7,000	9,800
150	200	7,000	9,800
200	300	8,000	11,200
300	400	9,000	12,600
400	..	10,000	14,000

4. Section 3(2) and (2-A) — Occupational diseases for which compensation is payable.

If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman whilst in the service of one or more employers in any employment specified in Part C of Schedule III for such continuous period as the Central Government may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that Employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the contrary is proved, the accident shall be deemed to have arisen out of and in the course of, the employment.

If any disease specified in Part C of Schedule III as an occupational disease peculiar to that employment has been contracted by any workman during the continuous period specified above in respect of that employment and the workman has during such period been employed in such employment under more than one employer, all such employers shall be liable for the payment of compensation under this Act in such proportion as the Commissioner may, in the circumstances, deem just.

SCHEDULE III

List of occupational diseases

Occupational disease	Employment
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PART A

Anthrax ... ..	Any employment — (a) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns; or (b) in connection with animals infected with anthrax; or (c) involving the loading, unloading or transport of any merchandise.
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Compressed air illness or its sequelae.	Any process carried on in compressed air.
Poisoning by lead tetra-ethyl.	Any process involving the use of lead tetra-ethyl.
Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.
Poisoning by Organic Phosphorus insecticides.	Any process involving the use or handling or exposure to the fumes, dust or vapour containing any of the organic phosphours insecticides.

PART B

Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra-ethyl.	Any process involving the handling or (use of lead ore or lead) or any of its preparations or compounds except lead tetra-ethyl.
Poisoning by phosphorus or its compounds, or its sequelae.	Any process involving the liberation of phosphours or use or handling of phosphorus or its preparations or compounds.
Poisoning by mercury, its amalgams and compounds, or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene, or its homologues, their amido and nitroderivatives or its sequelae.	Any process involving the manufacture, liberation, or use of benzene, benzene homologues and their amido and nitroderivatives.
Chrome ulceration or its sequelae.	Any process involving the use of chromic acid or bichromate of ammonium potassium or sodium, or their preparations, or the manufacture of bichromate.

Poisoning by arsenic or its compounds, or its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to —	Any process involving exposure to the action of radium, radio-active substances, or X-rays.
(a) radium and other radioactive substances;	
(b) X-rays.	
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin or the compounds, products or residues of these substances.
Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives.	Any process involving the manufacture, liberation and use of hydrocarbons of the aliphatic series and their halogen derivatives.
Poisoning by carbon disulphide or its sequelae.	Any employment in —
	(a) the manufacture of carbon disulphide; or
	(b) the manufacture of artificial silk by viscose process; or
	(c) rubber industry; or
	(d) any other industry involving the production or use of products containing carbon disulphide or exposure to emanations from carbon disulphide.
Occupational cataract due to infrared radiations.	Any manufacturing process involving exposure to glare from molten material or to any other sources of infra-red radiations.
Telegraphist's cramp.	Any employment involving the use of telegraphic instruments.
Poisoning by manganese or a compound of manganese, or its sequelae.	Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.
Poisoning by —	Any process involving the use, handling or exposure to the fumes, dust, or vapour containing any of the organic phosphorus insecticides.
Organic phosphorous insecticides hexa-thyl tetraphosphate (HETP), Tetraethyl pyrophosphate (TEPP), and oo, — diethyl o-p, nitro-phenyl-thi ophosphate (PARATHION).	

## PART C

Silicosis ... ..	Any employment involving exposure to the inhalation of dust containing silica.
Coal Miners' Pneumocosis.	Any employment in coal mining.
Asbestosis ... ..	Any employment in —
	(i) the production of —
	(i) fibro cement materials; or
	(ii) asbestos mill board; or
	(2) the processing of ores containing asbestos.
Bagassosis ... ..	Any employment in the production of bagasse mill board or other articles from bagasse.

5. Section 9 — Compensation not to be assigned attached or charged. — Save as provided by this Act, no lump-sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

6. Section 10 — Notice and claim. — (1) No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within two years of the occurrence of the accident or, in case of death, within two years from the date of death.

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease:

Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the entertainment of a claim —

(a) if the claim is preferred in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred or

(b) if the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed had knowledge of the accident from any other source at or about the time when it occurred:

Provided, further that the Commissioner may entertain and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employer or upon any person responsible to the employers, for the management of any branch of the trade or business in which the injured workman was employed.

(3) The State Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed notice-book, in the prescribed form which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting bona fide on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to the residence or any office or place of business of the person on whom it is to be served, or, where a notice-book is maintained, by entry in the notice-book.

7. Section 12 — Contracting. — (1) Where any person (hereinafter referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman, had been immediately employed by him and where compensation is claimed from the principal, this Act shall apply as if reference to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation he shall be entitled to be indemnified by the contractor, or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal he shall be entitled to be indemnified by any person standing to him the relation of a contractor from whom the workman could have recovered compensation and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.



(3) Nothing herein shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This provision shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

8. Section 17 — Contracting out. — Any contract or agreement whether made before or after the commencement of the Workmen's Compensation Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

9. Section 22(3) — Form of application. — If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

10. Section 24 — Appearance of parties. — Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or a registered Trade Union or by an Inspector appointed under sub-section (1) of section 8 of the Factories Act, 1948, or under sub-section (1) of section 5 of the Mines Act, 1952, or by any other officer specified by the State Government in this behalf, authorised in writing by such person, or, with the permission of the Commissioner by any other person so authorised.

By order and in the name of the Administrator  
of Goa, Daman and Diu.

*B. K. Chougule*, Secretary, Industries and Labour  
Department.

Panjim, 1st March, 1966.